

MAR-28-02 01:53PM FROM-Merchant & Gould 2

6123329081

T-597 P.001/006 F-825

## Merchant & Gould

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A Professional Corporation

### Fax Transmission | March 28, 2002

TO: Commissioner for  
Patents  
Attn: Examiner Vanoy, T.  
Patent Examining Corps  
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Washington, D.C. 20231

FROM: Douglas P. Mueller

OUR REF: 13875.1USWO  
TELEPHONE: 703.308.2540

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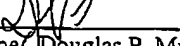
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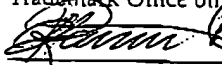
Fax Cover, Terminal Disclaimer filed 18  
March 2002, Transmittal Sheet, Express  
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Applicant: TABATA et al  
Serial No.: 08/765,046  
Filed: 15 November 1996  
Group Art Unit: 1754  
Our Ref. No.: 13875.1USWO

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By:   
Name: Douglas P. Mueller  
Reg. No.: 30,300

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P.005/006

F-825

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: TABATA et al.  
Serial No.: 08/765,046  
Filed: 15 November 1996

Examiner: VANOY, T.  
Group Art Unit: 1754  
Docket: 13875.1USWO

Due Date: 18 March 2002

Title: NITROGEN OXIDE-REDUCING CATALYST AND PROCESS FOR REDUCING  
NITROGEN OXIDES IN EXHAUST GAS

## CERTIFICATE UNDER 37 CFR 1.10

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By: 

Chris Stordahl

OFFICE OF PETITIONS  
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Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Request for Continued Examination under 37 C.F.R. 1.114
- ☒ Preliminary Amendment
- ☒ Information Disclosure Statement, Form 1449, 2 Reference(s)
- ☒ Terminal Disclaimer
- ☒ Check(s) in the amount of \$740.00 for Request for Continued Examination Fee and \$110.00 for Terminal Disclaimer Fee
- ☒ Return postcard

## CLAIMS AS AMENDED

Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	Rate	Fee
Total Claims	1	0	x .00	\$0.00
Independent Claims	1	0	x .00	\$0.00
MULTIPLE DEPENDENT CLAIM FEE				\$0.00
TOTAL FILING FEE				\$0.00

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MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: 

Name: Douglas P. Mueller

Reg. No.: 30,300

DPM:hjh



(PTO TRANSMITTAL - GENERAL)

S/N 08/765,046

PATENT #43  
AW  
3-28-02IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	TABATA et al.	Examiner:	VANOY, T.
Serial No.:	08/765,046	Group Art Unit:	1754
Filed:	15 November 1996	Docket No.:	13875.1USWO
Title:	NITROGEN OXIDE-REDUCING CATALYST AND PROCESS FOR REDUCING NITROGEN OXIDES IN EXHAUST GAS		

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By: 

Chris Stordahl

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A DOUBLE PATENTING REJECTION

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Commissioner for Patents  
Washington, D.C. 20231

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Dear Sir:

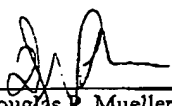
Petitioners, Osaka Gas Company, Limited and EniTecnologie S.p.A., the owners by assignment of the application identified above, through the undersigned attorney of record hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 5,869,013 and 5,985,225 and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 5,869,013 and 5,985,225, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioners do not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent Nos. 5,869,013 and 5,985,225, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

MERCHANT & GOULD P.C.  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 332-5300

March 18, 2002  
Date

  
\_\_\_\_\_  
Douglas P. Mueller  
Reg. No. 30,300  
DPM/rmz

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**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_,  
this terminal disclaimer is accepted. The period of patent lapse specified above has been  
accepted as equivalent to \_\_\_\_\_ months.

\_\_\_\_\_  
Petitions Examiner



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